

WAK

Notice of Allowability	Application No.	Applicant(s)	
	09/891,082	HAMABE, KOJIRO	
	Examiner	Art Unit	
	Tilahun B Gesesse	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS**. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 3/11/05.
2. The allowed claim(s) is/are 2-5,8-10,12-15,18-20,22-25,28-30,32-35 and 38-44.
3. The drawings filed on 6/25/01 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DÉCLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/25/01
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 3/30/05
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Tilahun B Gesesse
Primary Examiner
Art Unit: 2684

DETAILED ACTION

Status of claim

1. This is in response to applicant's amendment filed March 11, 2004, in which claims 1,6-7,11, 16-17, 21, 26-27,31,36-37 have been deleted and claims 2-5,8-10,12-15,18-20,22-25,28-30,32-35 and 38-44 are pending.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. David Torrente on March 30,2005.

3. The application has been amended as follows:

In Claims 2-4,9-10,12-14,19,22-24,28,32-34,38,41-44, line 10, after frame to "said" has been deleted, in place--a--has been inserted.

In claims 8,40 line 12, after frame to "said" has been deleted, in place --a--has been inserted.

In claim 18, lines 13, after frame to "said" has been deleted, in place --a--has been inserted.

Allowable Subject Matter

4. After further search and thorough examination of the preset application and in view of applicant's remark, claims 2-5,8-10,12-15,18-20,22-25,28-30,32-35 and 38-44 are found to be in condition for allowance.

The following is an examiner's statement of reasons for allowance: the prior art Chen (US patent No. 5893035) teaches a communication system (figure 1) including a plurality of cells (cells are served by base stations 16a and 16b of figure 1), a plurality of base stations (16a and 16b of figure 1), mobile station (12) Located within the cells, and control station (base station controller (14) provided in common for the plurality of base stations (base station 16a and 16b) and column 14, lines 16-40, column 9, line 55, column 10 line 63 and figures 6 and 7) the base station control means (14) for controlling initiation of adjustment period for number of adjustment period (column 13 lines 33 and figure 6 and table 1).

On the other hand , the present application specifically teaches the base station comprising control means for controlling initiation of a balance adjustment period for performing said balance adjustment from a frame number determined on the basis frame number of the balance adjustment periods and wherein assuming that a frame number of transmission frame to a mobile station is CFN and said balance adjustment period is Nperiod fame, said control means is responsive to reception of said control instruction to perform initiation control of said balance adjustment period from the frame of the frame number CFN to be mod (CFN, m x Nperiod) = L (wherein, m is natural number, L is 0 or natural number smaller than m x Nperiod common to all base stations). These limitations , in conjunction to other limitations in the independent claims have not found , taught or made obvious over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tilahun B Gesesse *stulos*
TILAHUN GESESSA
PRIMARY EXAMINER